

**CITY OF TAKOMA PARK, MARYLAND
(MINUTES ADOPTED 2/14/05)**

**PRESENTATION, REGULAR MEETING, PUBLIC HEARING, WORKSESSION &
CLOSED SESSION
OF THE CITY COUNCIL**

Monday, January 10, 2005

OFFICIALS PRESENT:

Mayor Porter
Councilmember Austin-Lane
Councilmember Barry
Councilmember Elrich
Councilmember Mizeur
Councilmember Seamens
Councilmember Williams

City Manager Matthews
City Clerk / Treasurer Waters
Recreation Director Haiduven
Assistant Recreation Director Corley
Construction Manager George

The Council convened at 7:42 p.m. in the Council Chambers of the Municipal Center, 7500 Maple Avenue, Takoma Park, Maryland 20912.

Mayor Porter noted that item #1 will be included in the introduction to the public hearing.

PRESENTATION

1. Update on the Community Center Construction Project.

Item was delayed. The content will be presented in conjunction with the Public Hearing and Worksession item regarding the same subject, scheduled later on the agenda.

COUNCIL COMMENTS

Councilmember Austin-Lane noted the toxic spill, as a result of a vehicular accident, which occurred in South Carolina. This is a very serious issue. She would like to hold a public forum on January 26th. Her second issue deals with the Gateway/Signage initiative. She noted having received some comments from residents and that she will be forwarding them to the City Manager.

Ms. Porter remarked that the Council has scheduled a discussion of the transport of hazardous materials next week.

Councilmember Williams announced meetings on 1/25 (Hiker/Biker Connections) and 1/19

(Piney Branch Facilities).

Councilmember Seamens recognized the audience this evening, thank them for their participation, and adding thanks to the Mayor for her description of the Closed Session item to be voted on this evening.

ADOPTION OF MINUTES - 2/26/04, 3/15/04, 3/22/04, 4/7/04, 4/12/04, 4/19/04, 4/20/04, 5/6/04, 6/1/04, 10/4/04, 11/8/04, 11/22/04, 11/29/04, 12/6/04

Ms. Porter commented that she looked at the proposed abbreviated format for the content of the minutes and feels that they would be sufficient.

Moved by Williams; seconded by Mizeur.

Mr. Seamens referred to the 3/15/04 minutes and commented on the lack of information in the description of the discussion of a personnel matter. He cited requirements of the Open Meetings Act.

Ms. Porter responded that she would be happy to have the City Attorney review the announcement.

The Council voted to adopt all sets of the minutes, with the exception of those from 3/15/04 (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

PUBLIC COMMENTS

Byrne Kelly noted the recent rainfall and issues with run-off stormwater.

Ms. Porter requested that the City Manager follow-up on the issue.

ADDITIONAL AGENDA ITEMS

Ms. Austin-Lane said that based on green building items that we have been asked to consider, she would like this to be a point of discussion this evening. She asked for a specific discussion, adding that she would like to see this as an item in the Request for Proposals (RFP) for further construction items.

REGULAR MEETING

2. Resolution re: Naming the Athletic Field at Jequie Park in Honor of Walt Penney.

Moved by Austin-Lane; seconded by Williams.

Ms. Austin-Lane remarked that this is the 3rd anniversary of his death and that she would be

happy to name the field in Walt's memory. She commented on the resolution.

Ms. Porter added support for the resolution—particularly, the importance of an honor to Walt.

Mr. Seamens agreed, noting his work with youth activities. He urged the Council to address traffic issues.

Ms. Austin-Lane requested that the resolution include an appropriation of up to \$15,000 for “dedication” signage.

Howard Kohn commented on Walt's contributions to the community and about the tragic circumstances of his death. Many were saddened by the loss. He supported the adoption of the resolution in commemoration of his life's contributions.

Seth Grimes said that we need strong enforcement of traffic laws in the city. He noted **that at the Philadelphia and Holly intersection, a young girl was struck by a car that had driven around a bus stopped at the intersection. The girl was injured. Mr. Grimes** urged the city to work with the state in respect to state roadways.

[Note that **highlighting** represents a correction made after adoption of the minutes.]

Stacey Gurian-Sherman supported the funding for signage in the park in commemoration of Walt, adding that she would hope that there would be more than just signs (e.g., boulder with inscription).

Tyler Wolton (on youth athletic team since age of 7) said that Walt was a great coach, who taught all of the skills of teamwork.

Ms. Austin-Lane recognized Walt's family and many friends who are in the audience. She further specified that the \$15,000 designation be made from the Council's reserve.

There was a Council consensus for the appropriation.

PUBLIC HEARING

3. Community Center Bond Proposal.

City Manager Matthews gave a Power Point presentation. Copies of the slides were made available to the audience. Tonight's discussion focuses on the shortfall of funding for the project. She remarked about the funding options, including bonding and the related implications. In order to frame the discussion, staff wanted to provide some scenarios of options. She remarked about the MD-DHCD Infrastructure Program and commented on the fluctuation in interest rates and the possible changes in terms over time or if delayed. She briefly outlined the

options for a \$2.5 and \$5.0 million bond, noting the impact on a taxpayer in the city. Ms. Matthews remarked about some other considerations with respect to debt service and property values. The State Bonding Program does two issuances each year. The first deadline is January 28th. The Council needs to decide this evening whether to bond, at what level and how the bond should be afforded (reduction in operating expenditures and/or increase in taxes).

Mr. Williams recalled having asked last week about the bonding and if the city were to authorize a bond up to a certain amount, could the amount be split over two separate issuances. Has staff checked into this question? Can we do that? Does a specific amount need to be identified in the ordinance? We risk an increase in interest costs by delaying the decision. There may be an increase in the issuance costs, and there may be a risk in the absence of a Fall issuance for the program. The Clerk/Treasurer has indicated that in the past few years, the state program has done two issuances. Another question that was raised was whether the city could pay-back the balance without penalty. Would we have to hold the bonds for 10 years?

Larry Rubin, 417 Lincoln Avenue remarked that the Council needs to address the absence of a gym, deal with parking issues, work on the debt situation, and move forward with the project. The City should take steps in the future that we never get our city into a hole of this kind, again. He said that he came to this situation in an effort to avoid destruction of greenspace. Many issues were discussed, and we accepted the lowest guess costs. Had we taken the steps of involving the level of participation demonstrated this evening, we may not have ended up in this situation. We should have had procedures in place. Projects should not be set by deadlines or by outsiders. Not every community has the requirements that he has described, but we are Takoma Park and have our own expectations.

Gary Weinstein stated that on behalf of Lee Jordan's family who all support a gym, they asked that he convey their support for funding of the gym construction.

Anne Moser spoke on behalf of a resident who is unable to attend tonight's meeting, but supports the gym.

Bill Bock (represents Rudy Arrendondo) said that years ago, he looked at the figures and the information as a basis for the project. He worked with Mr. Arrendondo and Ms. Anna Wynn to filed a law suit against the city. He opposed the bond. The architect should have known about the flood plain. The blame belongs on the Mayor and those who kept the public in the dark. There have been over 50 changes in the plans. He noted that Councilmember Mizeur recognized that this is not the plan that we adopted. The Mayor should be fired and the architect sued.

Jamie Raskin remarked that projects of this kind always run well over what is anticipated. We have to look at the big picture. Residents should accept the fees and focus on the goal of developing the community center.

Robert Ginsberg, Maple Avenue commented that no one is to blame. No one could have known about the flood plain, discoveries in the soil or cost over runs. The Council and City Manager

are to be thanked for seizing upon these problems. We are in the midst of the project and should see it to completion. There are definite future benefits. The gym was part of the early discussions. Keep it in the project. Give the community the entire project. We just need to find the funds. It can be done with a tax increase. We should invest in the future and that of others, not just ourselves. This is a great opportunity. What is more identifiable with a city than a community center?

Enid Hodes remarked that she wants the city to go forward but is opposed to borrowing more money. She would rather see a combination of funding, expressing a concern about the impact of increased taxes.

John Redman, Westmoreland Avenue said he would like to see the city have an athletic facility, noting that he plays on a basketball team and remarking about the children who come to watch their games. He commented about his grandfather who spearheaded an effort to create a community center in Rochester. People will look back on the Council as far-sighted leaders for their support in developing the community center and gym.

Bruce Moyer, Westmoreland Avenue (President of Westmoreland Avenue Community Organization) - urged the Council to move ahead and complete work on the community center and gym. He supports the full bond amount. The gym would provide an important recreational resource. The community needs this type of resource. Citizens need to understand that additional resources will be required. The City should make every effort to bring the project in below the total cost of bonds. It will require wise judgment and discretion. Staff should look at all options to reduce the costs and move forward.

Roger VanZee, Glenside Drive strongly urged that the City not take additional bonds to fund the project. He recalled a past community association meeting. If we borrow this money, we will not be in a position to borrow in the future. The City is getting to be an expensive place to live. He remarked about Sustainable Takoma's research, expressing that he hopes that the Council finds a way to complete the project without further borrowing.

Seth Grimes (Sustainable Takoma) remarked about "Pie in the Sky" funding expectations when the project was first proposed. He cited Shakespeare "past is prologue" and referred to the presentation. Staff does not know the total costs. He remarked about the lack of knowledge regarding parking facilities. He expressed support for the completion of the community center and eventually, the gym, adding that the Council needs to determine the community priorities. A survey had been proposed. We need to consider this in conjunction with other city priorities.

Silvia Wilson, Myrtle Avenue questioned the environmentally friendly features that were deleted through the process of value engineering.

Ms. Porter responded. The main one was the "green roof" plaza over the underground parking.

Peter Banwell supported completion of the project. Past mistakes may not have been avoidable.

He encouraged the borrowing and added support for more details on the gym prior to its construction.

Tracy Burke, Jefferson Avenue supported the new gym and funding for completion of the job. She has supported the project over the years, along with her child, a basketball player, who would like to play in a gym. Sometimes things do not go as planned. We should not repeat mistakes, but should do things right from here forth.

Stacey Gurian-Sherman stated that she has supported the project for over 5 years, but has also been encouraging that the city provide an operating plan. There are a lot of considerations and expectations of the project. She encouraged the issuance of a \$2.5M bond. We have no choice. However, she feels hostage to have to agree to additional funding. Stopping the project is not an option. She commented that she would not support a higher level of funding without a fully developed plan for operations and a financial plan. Where in the PowerPoint presentation is there information on how much this is going to cost to complete and to operate. If the City builds the center without this analysis, it will not be funded with some “Hollywood dream.”

Ms. Porter responded that we do have an analysis of operating costs and staffing.

Frank Demaris supported full funding and construction of the gym. He noted the upcoming election and the trust that will be demonstrated through the community vote of incoming Councilmembers.

Brian McLaughlin supported borrowing for the completion of the community center and the gym. He referred to some of the earlier remarks. Those here and anyone who has done work in the community recognize that we are waging an uphill battle. We need to set up a process that will work. How can you have a community without a community center? How can you have a center without a basketball court? The potential tax increase is worthwhile.

Dan Robinson, Grant Avenue said that he appreciates many of the comments made this evening, noting that he is here to represent Sustainable Takoma. He described the recent petition and points of declaration. We have had 265 residents agree to the points of the petition. He suggested a ballot question that should not wait until the Fall Ballot.

Wolfgang Mergner remarked that he does not want to see a hole in the ground forever. The current work should be completed. If it takes another \$5.2M to be done, then it should be done; however, he would like a more detailed cost analysis of the remaining items.

Tim Dowd expressed full support for completion of the project, noting that he has spent considerable time transporting his children to other locations to enjoy recreation activities. If necessary, he would support not only the bond, but an increased tax rate.

Byrne Kelly stated that he remains fully supportive of the community center. At the last hearing, he asked several questions about alternative funding mechanisms (e.g., raising questions about

annexations, sale of property, etc.). We need a plan for an increase in the City's tax base. He questioned where county legislators are in this discussion. He supports the project and disagrees with comments about the lack of management by former City Manager Finn. We made critical errors. He wants to have some questions answered.

Ms. Porter requested that Byrne resubmit his questions. They will be answered.

Alian Thery said that he has spoken before about the underfunding for the project. There may well be a need; however, he has not heard a lot of the projections for operating costs. He does hear a lot of emotion without hard data. The City should present population data. If the gym was so important, why wasn't it the priority. The City has never come to a hard number about the space use allocations. This project has a history of cost overruns. We do not know the cost of the gym or how parking will be addressed. He remarked about the fact that we do not have a final FY05 budget posted. When will we be able to get the FY06 project budget? Include the community center budget. He remarked about the taxes paid by residents of the city.

Mary Stover (Takoma Foundation) stated that the foundation continues to raise funds. They have raised about \$115,000 in contributions and pledges and continue to support the completion of the project and construction of the computer learning center. She urged the Council to include the brick walkway in the plan.

Peter Kovar, Holly Avenue noted that at a recent Old Town Takoma Association meeting, there were remarks about the cost to completed the space. No one wants a hole in the ground. Everyone wants to complete the current phase of construction (\$2.5M). Not many wanted to go forward with the full amount, without more information. However, he said that the City should not close off options and risk increasing interest rates. There are very few large public projects that get all of the money up front.

Nellie Moxley, PineCrest President referred to a statement made by Howard Kohn with respect to the flood plain. What do we think about this bond? She remarked about the impact on taxes. The original plan was changed. No bonds should be let.

Elliott Andalman, Montgomery Avenue supported bond financing. The City should include the gym—an important part of the community. He recognized the controversy about undertaking the additional taxes. It is a difficult decision, but important. The gym is important. We should pay for the gym with a combination of increased taxes and budget cuts.

Rose Cockerille stated that we should not go further into debt.

Catherine Tunis, Larch Avenue (Sustainable Takoma) supported their position to fund construction currently underway. We can later re-evaluate the gym. We knew that there was a flood plain and knew about the soil structure. We have had flooding the basement of this building for years—have known about that. She noted that she is the Chair of the Committee on the Environment. There were members of the COE at meetings who related information that was

not shared by the former City Manager. She pointed out that there is a gym next door in the school, asking whether it is still available for public use. Intellectual growth is most important for the youth. Finish the learning center. She remarked about the green roof feature and about the impact of interest rates. Ms. Tunis commented on responses to the petition, concluding that she would like us to correct management issues and move forward.

Mary Jane Mucavi stated that she has lived here for 21 years, loves the city, but sees a lot of false lines drawn in this hearing. There is an extremely large need for a gym. There is a huge concentration of youth. She expressed concern about increasing tax rates. Is there another way, outside of taxing the poor people (e.g., contractors, etc.) to raise the necessary funds?

Michael Podnorzer, Westmoreland Avenue remarked about the difficulty in transporting youth to facilities outside of the city. He urged support of the construction.

Alden Lancaster opposed the bond, suggesting use of reductions in operating expenses and reserve funds. This project is totally messed up. There is a lot of community anger about tax duplication. Some wonder what their city tax dollars afford. There are some creative funds to explore. Ask residents about what services they want to have provided by the city. What is the intention of the gym programs? We need a citizens survey. There are other ways to raise revenues. This has been structured poorly. It puts people in a bad position of having to make a decision about funding the gym versus other segments of the project.

Rino Aldrighetti questioned how many basketball hoops will be in the gym.

Ms. Porter responded that there will be six (based on Recreations Director Haiduven's remark from the audience).

Howard Kohn clarified that there were originally eight in the plan.

Mr. Aldrighetti asked what other facilities would go into the gym.

Ms. Porter responded that there was an original plan for a gym that may be more than we can afford. We do not know what the final plan would look like at this point.

Mr. Aldrighetti noted that the Council has called on the Washington Adventist Hospital (WAH) to move the office building off their site, as part of the expansion plan. We need to look at the gym (and what will go into it) versus what it will cost us. The information on the gym does not make sense. He said that it is hard to speak against the gym. Operating costs for the gym will grow; although, originally, presented as not being an additional cost source. There are trade-offs. The City has always been about ideas, not a building.

Tom Kovin supported a lot of Rino's comments; however, remains supportive of the gym. It would be a place of safe haven for seniors and youth. It should be a place for a variety of "healthy living" activities. He remarked that he is troubled by the cost overruns for this project,

but would be even more troubled if the city were not to build the gym. It is a testimony to public policy gone wrong.

Margo Kabel observed that the City has not had a good handle on the project costs. Now we have a hole in the ground and need more money to finish the project. She said that she would love to have a gym, but thinks that it would be irresponsible for the Council to proceed without a firm sense of operating and construction costs that remain. There are four gyms in the immediate vicinity. The City should think long and hard about how these might be used. As a former PTA President, she approached the Recreation Department about collaborative activities that would have reduced rental costs. They were not interested.

Jean Craig commented that her heart is torn on this issue, knowing the value of interaction with youth. However, we have not seen dollar estimates. There are going to be staff costs. There will be liability insurance, maintenance and utility costs. She called for a break-down on costs to run the gym.

Nancy Cohen, Baltimore Avenue pointed out that the Council has divided the community over this project. She does not have a problem with finishing the center, but does have a problem with funding a bond. It is not fair. The Council should look at ways to reduce services. She suggested that the TPVFD, when rebuilt, be made a multi-use facility (an alternative to construction of the gym). Collectively, it seems difficult for the Councilmembers to say “no.” The Council should slow down and not approve the bond.

Lorraine Pearsall remarked that we need to finish the building. The issue of the gym is complicated. There has been a great deal of discussion about the gym—lots of debate. The community supported the gym, but there needs to be more discussion. At one time, we thought that we could secure private money for the construction of the gym, but it does not look like it will come through. She said that she does not want to see an increase in taxes, but would like to look at creative ways to raise revenues.

Dan Wedley, Ethan Allen Avenue questioned with respect to alternative financing, what is the range of reduction in expenses.

Ms. Matthews stated that her professional opinion was to not draw-down on reserves. With respect to debt service, it would not be immediately cutting services to fund the bond.

Mike Isreal, Elm Avenue said that he thought that one of the prime motivations behind the project was juvenile crime prevention. This should not be lost in this discussion.

Elizabeth Wallace, Holly Avenue stated that for the past 10 years, she has been working long hours. She commented on the diversity of the community and the varied hours kept by some residents. The city is not necessarily a safe place. She had to send her son away to school for him to feel safe and thrive in academics. She would like to work with area youth to ensure that they come to this center because they feel safe.

Tom Gagliardo ensured that he is invested in this community, but asked what it means to “build a community.” One thing is to find ways to agree. It is easier to disagree. Originally, he was opposed to the construction of the gym, feeling that there were other facilities in the area. However, those facilities do not meet the need. This community has spoken decisively that there is a need for the gym. He urged the Council to set a limit. It is the Council’s responsibility to state the actual impact of increasing assessments and taxes. He referred to the letter sent to citizens about tonight’s hearing. He opposed the bond issuance for the gym construction.

Tom Thomas, Garland Avenue recalled his college work, dealing with master planning and budgeting. He referred to the point made about four public gyms in the area. It sounds like a lot of planning, programming and budgeting did not go into this concept.

Kelly ? said that the gym should be built and paid for by bonds—the way that capital improvements are most appropriately funded.

Howard Kohn (Citizens Liaison Committee) remarked that we are proceeding on a presumption that there is a fast track for finishing the community center, with a slower track for the gym. We took a vote in regard to this hearing and asked that the Council cost-out an elevator and skylight as part of what is not underway in this phase. Would there have to be a brick walkway as part of the entrance to show off the customized bricks? He remarked about the past support for the skate park as a possible addition to the bond funding.

Elizabeth Wallace commented that she wants to see the parents that are less represented at these types of meetings, be willing to assist in outreach.

Mr. Seamens noted that several residents from Ward 4 were not able to stay this late to provide testimony. He had promised to submit their comments for the record.

Mr. Williams indicated that the City Clerk provides comments from all who sent e-mails on agenda items, which are filed for the record.

Ms. Porter explained the intent of the Worksession discussion

Stacey Gurian-Sherman asked for the operating analyses to be made available to the public.

BREAK - 10:22 P.M.

WORKSESSION

4. Community Center Bond Proposal.

Mr. Williams said that he would like to see a proposal that asks the Council to approve a bond to

complete the current Phase I and existing space on the main level for \$2.5M. He would also like to take what we have so far and get to a place where everyone is comfortable with information and explore any further borrowing needs in the Fall, State Infrastructure Program process. He asked for information on the gym to be included in this discussion. This is a fine balancing point—trying to ask for input early. He said that he still wants to go forward with the gym, but wants to leave it out of this proposal given the remaining information that has been requested and needs to be explored as a possible savings, within the current project budget. With respect to the Homeowner Tax Credit Program, we doubled the rebate (15% to 30%) in the FY05 Budget. He proposed that the Council consider increasing this rebate to 50% in the coming year. It would further help those who can least afford to pay for this type of thing.

Ms. Porter concurred with the suggestion, adding that she would also like to ask that the State increase the limit on the eligible households. She expressed support for the gym, but not at a point when we do not have enough information to evaluate the funding of the gym. Since reformulating the committee, the Council asked them to look at this type of question. We should give the matter more time. There are some opportunities to be more cost effective than the original design.

Mr. Elrich agreed with points made. He would also like to explore varied tax obligations based on income areas. We need to look at the gym design and do not want it to come back at the maximum bond amount. We need to look at the current budget and combinations of ways to pay the cost. The budget needs a careful examination.

Mr. Seamens questioned what is it that the Council is talking about buying with the \$2.5M bond. How much is it going to cost? How are we going to pay it back? Some say to finish what was have started, but there are a lot of remaining elements. He said that he is unclear where the HVAC on the second floor stands at this point. There are facade issues. Before we say to “finish it”, we need to know what “it” is. Stacey Gurian-Sherman asked for a list of the operating, equipment, programming and staffing costs. He stated that he spoke with the Montgomery County Director of Recreation who gave an estimate in the range of \$12M (plus the land). A large part is the ongoing replacement of the equipment that we have not heard addressed. Do we have good current estimates? If we are going to commit to borrowing money, we need to identify how it will be repaid. This should be done without borrowing money. He noted that his Ward has a high number of residents with the least ability to incur additional expenses.

Ms. Austin-Lane thanked Ms. Matthews for quickly and ably getting information out to residents about the community center project status and bond proposal. She has received good feedback and requests for more information. She encouraged the Council to proceed with direct information in this same manner as this project and others progress (i.e., informative mailing). She referred to the RFP that is being developed for some of the work that remains (e.g., lighting fixtures, heating/cooling zones, etc.) and encouraged the City Manager to meet with environmental volunteers to work with staff on some of these elements. We need to get prices on many things. She expressed support for the skate park. With respect to the gym, unless we fund the parking, she is not sure that we will get the permit for construction. We need to face

this issue head-on. We need to keep the tax rate at its current level. Council has talked about service cuts. She asked that the Council unanimously keep the tax rate the same and scale back on things that are ripe for reductions.

Mr. Barry remarked that tonight has been interesting and moving in a number of ways (eloquent remarks and expressions of anger). It seemed that the majority of folks supported the completion of the community center and the gym. The rub came with how to fund these things. He suggested that the City Manager proceed with a \$2.5M bond given the comments—delaying bonding for the gym until later in the year until we have more information. We can take this time to determine whether we will have more support from the county and state, and could look at whether to sell city-owned property. We can further examine the soil composition. He said that he would want to get more data on the programs for the gym and the amount of projected users. He remarked that he would like a chance to understand the work of the tax duplication committee and to have results of the citizens survey. Interest rates are likely to increase, but there is so much that we still need to know about the gym. He remarked about his visit to a small island and the community that has been created (kind of a Utopia).

Ms. Mizeur commented that she has heard concerns about the gym and support for building it as part of the project. Now we have better management of the project. It would not be prudent to proceed with building the gym at this point, when there are still outstanding questions. She identified some of the things previously stated by residents as desires for services from a gym. We all want the gym. But to fund the gym now, would not be the best move and would risk further project modifications. She expressed hope that those who support the gym will continue to support the effort. We want to keep project on track and fully meet community expectations.

Mr. Williams noted that he heard a number of comments tonight from people wanting information—information that has been provided in the past and updated over time. It is incumbent to continue to provide information to the public. People now have a heightened sense of interest.

Ms. Porter summarized that she is hearing a consensus for the City Manager to move forward with a \$2.5M bond, with the understanding that the Council would reserve consideration for future bonding to later fund the gym. People would continue to gather information about the plans for the gym. We will have to repeat this process if we wish to go forward with additional bonding for the gym. She expressed her personal support for the gym, but said that she does not feel that we have enough information to go forward with full bonding at this time.

Ms. Austin-Lane asked for a clarification of the process (i.e., intention to borrow the full amount, but divide the timing on the bond issuance).

Ms. Matthews responded. The public notice was that Council would consider up to a \$5.2M bond. The Council needs to direct how much to borrow. The ordinance may state specifically that the total could be spread over two state cycles. She provided further explanation, noting that the Council would also need to direct the source of debt service (i.e., paid up-front as part of the

amount bonded, or allocated from the general fund).

Ms. Austin-Lane remarked that if we decide \$2.5M now and in March, we recognize that we have information to go forward with the additional \$2.5M, we would then be locked out of the interest rate.

Moved by Seamens; seconded by Mizeur. (Mr. Williams added his support)

Mr. Elrich stated that he is not totally opposed to Ms. Austin-Lane's position, but that the committee has to decide what goes in the gym. It would be difficult to resolve the plan in the short time remaining. Let's do this right.

Ms. Austin-Lane asked about the timing for the Fall issuance.

Ms. Matthews responded.

Ms. Austin-Lane said that she does not want to give the message tonight that the decision about support for the gym is uncertain. She wants to convey that we are ready to make a decision on the gym when we have enough information.

Mr. Williams commented that originally, he wanted to go in direction described by Ms. Austin-Lane, but that he realized that the Council needs more information.

Ms. Porter expressed her continued support for the gym. However, the Council cannot responsibly go out to the community and announce a bid, without the answers to some of the questions that have been raised. We want to get answers to questions prior to a commitment to any amount of money.

Ms. Austin-Lane indicated that she is comfortable with the clarification and supports Mr. Williams' suggestion.

Mr. Seamens supported the gym construction, but no further borrowing (without knowledge of what we are getting).

Ms. Matthews asked for the Council to give staff discretion to explore any ways to further reduce the bond amount of \$2.5M. She noted that in past the City has paid the issuance costs up front (included in the total bond proceed).

Ms. Porter responded that she does not want the amount to be reduced to a point that the funds borrowed do not cover the full costs of this phase of the project. She asked that staff explore costs for the walkway, skylight, elevator and skate park).

Ms. Matthews stated that she could confirm with the State, but that she does not think that the public notice would cover the option of a skate park.

Mr. Williams said that the one thing he is interested in getting immediate information on is the walkway. He was interested in the skylight, but thinks the best approach would be to have another contractor come in after-the-fact and do the installation.

Ms. Porter remarked that the contractor for the skylight is not the issue.

Mr. Williams clarified that his preference is to do it, sooner rather than later, but not with the current contractor.

Ms. Porter said that the elevator, walkway and skylight would need to be funded under this bond.

Mr. Seamens asked that it be priced separately for next week's discussion. Was the HVAC included in numbers presented?

Ms. Matthews responded that there are certain mechanical and AC units that are reflected in numbers being discussed.

Ms. Porter asked for a price for this phase, including the additional three items. She agreed that we should try to find the least expensive way to accomplish the remaining work. We do not want to low ball the estimates.

Ms. Austin-Lane said that she wants the 3 items (i.e., Grant Avenue berm, landscaping, library facade) agreed to by this Council included in the process. They should be included in the RFP.

Moved by Porter; seconded by Seamens. There was recognition that the requested information may not be available by next week's meeting.

Ms. Matthews remarked that the library facade is approximately \$800,000, pursuant to the current contractor. This can be further discussed with Charron. Staff can talk about how to best proceed. She noted that Ms. Austin-Lane had suggested that staff work with citizen interest groups on the RFP. How involved do you want the process to be? She noted the implications.

Ms. Porter commented that she would be interested in staff working with Albert Nunez and the person who has been appointed to represent the COE. If there will be cost implications, please advise the Council.

Mr. Seamens said that he would like to know at what point it might cost more money, but would also support working with residents on "green elements."

Ms. Austin-Lane clarified that the Council will be considering an ordinance to approve a bond in the amount of \$2.5M next week.

Ms. Porter responded that it will be in the amount of some figure proposed by the City Manager, possibly including these additional elements.

Ms. Austin-Lane encouraged the exploration/inclusion of green features already suggested and other possibilities. She asked about the timeline for obtaining information on the variety of things requested.

Ms. Mizeur questioned the Council about whether there is community support to finish these other elements of the project. We could save staff some work over the next week.

Ms. Porter remarked that these items were brought forward by the committee that represents a large number of people.

Mr. Elrich commented that he is interested in the information but not in escalating the cost.

Mr. Seamens agreed. However, there are some things that could be done later.

Ms. Porter thanked the participants in the discussion and those remaining in the audience. We have heard support for the community center and the gym. We have also heard frustration about the process to this point.

Ms. Austin-Lane questioned the timeline for when the Council can expect information on the operating costs for the gym.

Ms. Matthews noted that there was some information provided in the FY05 budget process. Staff will further refine this data. The Council will later have to provide direction on its vision for the gym.

Ms. Austin-Lane encouraged the Council to think about how this information will be conveyed to the community in February. Many people asked the same question about the mission of the gym. She suggested a second mailing.

Ms. Porter said that there was a comment made about her coming to a meeting and having cited a cost estimate. She said that she would have had no way of providing a cost estimate on her own. There have been a variety of cost break-outs since the beginning of the discussion.

CLOSED SESSION VOTE / ADJOURNMENT

Ms. Porter noted that a question has come to her about whether it is legal to vote on a Closed Session a week prior to holding the session. Staff will raise the question with the City Attorney. If necessary, the Council will repeat the vote next week.

Ms. Austin-Lane stated that one of her residents brought her information that it was not an approved procedure to vote, in advance of holding the Closed Session (per Compliance Board guidance).

Ms. Porter repeated that the matter will be addressed with the City Attorney to make sure that we are in compliance with the Open Meetings Act.

Mr. Seamens commented that he has had a lack of confidence in some of the opinions of the City Attorney. He added his concern about the advance vote.

Ms. Porter said that it will be repeated if necessary and televised.

Ms. Mizeur explained that she and Mr. Seamens made a suggestion, cost saving measure, to convene in these types of sessions, prior to the regular open meeting, such that the City Attorney did not wait until late in the evening to convene in the Closed Session. There is no intent to be secretive.

Ms. Austin-Lane said that her only question tonight is whether this is the appropriate time to vote on next week's Closed Session.

The Council voted to adjourn at 11:50 p.m.

Closed Session 1/10/05 - On January 10, 2005, the Council voted to convene in Closed Session on January 18, 2005. Moved by Williams; seconded by Barry. (VOTING FOR: Porter, Barry, Seamens, Williams; OFFICIALS PRESENT: Porter, Austin-Lane, Elrich, Mizeur, Seamens, Williams). Pursuant to legal Counsel, the Council reconvened on January 18, 2005 to re-vote on the matter of holding a Closed Session to discuss the following items (attendance for each noted): (1) The Council received information about the upcoming collective bargaining negotiations with Local 400 of the United Food & Commercial Workers International Union. The Council reached a consensus to proceed as proposed by Deputy City Manager Hobbs. (STAFF/OTHERS PRESENT: Matthews, Hobbs, Waters, Silber). (2) The Council consulted with specialty attorney Bob Cox, and received legal advice concerning the Community Center Project and related negotiations. No action was taken. (STAFF/OTHERS PRESENT: Matthews, Waters, Silber, Bob Cox). (3) The Council received legal advice concerning proposed legislation related to the transportation of hazardous materials through the incorporated limits of the City. No action was taken. (STAFF/OTHERS PRESENT: Matthews, Waters, Silber). Items of discussion were pursuant to Annotated Code of Maryland, State Government Article, either Section 10-508(a)(7) or (9).
